

APPENDIX A. FORMER CHARTER PROVISIONS NOT CONSTITUTING AN ORDINANCE*

*Editor's note: This appendix is not part of the city charter. This appendix contains certain portions of the former city charter (Laws of Fla. ch. 57-1322, as amended) that relate to extraterritorial powers of the city. As Fla. Const. art. VIII, § 2(c) provides that the "exercise of extra-territorial (sic) powers shall be as provided by general or special law," it is unclear whether these provisions could be repealed by adoption of a home rule charter by the voters of the city. The provisions are published in this appendix for the convenience of the user of the code. History notes at the end of each section in this appendix indicate the source of the provision. The printing style of each section in this appendix has been made consistent with that of the new code.

Sec. 1. Public works.

The city commission shall have the power within and without its corporate limits, to construct, condemn, purchase, acquire or lease any interest in any property, and to maintain, conduct, own and operate, within and without the corporate limits, wharves, warehouses, ship canals, breakwaters, reservoirs, sewerage systems, trunk sewers, intercepting sewers, pumping stations, wells, siphons, intakes, pipe lines, distribution systems, purification works, collection systems, treatment and disposal works, transportation systems, cemeteries, gas plants and distribution systems or other public utility, airports and necessary hangars and appurtenances, or facility deemed necessary for the public good, and any buildings or facilities as may be required in connection therewith, and to make a contract of whatever nature in connection therewith; and shall have the right and power to issue bonds or revenue certificates in the manner provided in this charter, in an amount necessary to carry out any of said powers or purposes. All of the above works are considered as utilities within the meaning of any constitutional or statutory provision, and any existing utility may be combined with another existing utility and jointly improved by one (1) issue of revenue bonds or certificates, and the revenues derived jointly pledged to retire such bonds or certificates.

(Laws of Fla. Ch. 57-1322, § 152)

Sec. 2. Lights, heat and power.

The city commission shall have power to purchase or otherwise acquire, establish, maintain and provide facilities for lighting the streets, parks, public buildings and public places of the city; and to operate plants either within or without the corporate limits of the city for source of power, lighting, heating by electricity, gas, atomic power or other unknown sources of energy or any other method; and to supply the inhabitants of said city with artificial light, heat and power, for domestic, business and other purposes, and to charge and collect reasonable rates, prices and compensation for furnishing and supplying the same.

(Laws of Fla. Ch. 57-1322, § 153)

Sec. 3. Waterworks plants.

The city commission shall have the power to construct, establish, maintain and operate water works, and to bore and dig wells, construct reservoirs, lay pipes, and do such other things as may be necessary, essential or convenient for procuring and distributing an abundant supply of good and wholesome water to the inhabitants of said city for domestic and other purposes and to protect the property of said city and its inhabitants against fire; and also the power to lay water mains and water distribution systems beyond the city limits for the purpose of supplying water to persons residing outside the city limits, and to collect reasonable rates, prices and compensations for furnishing and supplying same, except for fire protection, which may be provided for in the tax levy.

(Laws of Fla. Ch. 57-1322, § 154)

Sec. 4. Service of utilities to consumers outside of city.

The city shall have power to supply water, electricity and other sources of power, sewage disposal and gas for domestic and other purposes, to individuals, firms, corporations, and other municipalities outside of said city, and to charge and collect reasonable rates, prices and compensations therefor, but the city may charge rates to be fixed by ordinance higher to such consumers than is charged for a like class of service to a like class of consumers within the city limits.

(Laws of Fla. Ch. 57-1322, § 155)

APPENDIX B. OTHER SPECIAL ACTS*

*Editor's note: This appendix is not part of the city charter. This appendix contains various special acts enacted by the legislature that are not part of the city charter and were not repealed by adoption of the new charter. History notes state the source of each section. The provisions of this appendix have been printed in a style consistent with that of the new code.

DIVISION 1. GENERALLY

Secs. 1--200. Reserved.

DIVISION 2. URBAN RENEWAL

Sec. 201. Short title.

This act [division] shall be known and may be cited as the "Fort Lauderdale Urban Renewal Law."

(Laws of Fla. Ch. 61-2165, § 1)

Sec. 202. Findings and declarations of necessity.

It is hereby found and declared that there exists in the City of Fort Lauderdale slum and blighted areas (as herein defined) which constitute a serious and growing menace, injurious to the public health, safety, morals and welfare of the residents of said municipality; that the existence of such areas contributes substantially and increasingly to the spread of disease and crime, constitutes an economic and social liability imposing onerous municipal burdens which decrease the tax base and reduce tax revenues, substantially impairs or arrests the sound growth of said municipality, retards the provision of housing accommodations, aggravates traffic problems and substantially impairs or arrests the elimination of traffic hazards and the improvement of traffic facilities; and that the prevention and elimination of slums and blight is a matter of public policy and concern in order that the said municipality shall not continue to be endangered by areas which are focal centers of disease, promote juvenile delinquency, and consume an excessive proportion of its revenues because of the extra services required for police, fire, accident, hospitalization and other forms of public protection, services and facilities.

It is further found and declared that certain slum or blighted areas, or portions thereof, may require acquisition, clearance, and disposition subject to use restrictions, as provided in this act [division], since the prevailing condition of decay may make impracticable the reclamation of the area by conservation or rehabilitation; that other areas or portions thereof may, through the means provided in this act [division], be susceptible of conservation or rehabilitation in such a manner that the conditions and evils hereinbefore enumerated may be eliminated, remedied or prevented; and that salvable slum and blighted areas can be conserved and rehabilitated through appropriate public action as

herein authorized, and the cooperation and voluntary action of the owners and tenants of property in such areas.

It is further found and declared that the powers conferred by this act [division] are for public uses and purposes for which public money may be expended and the power of eminent domain and police power exercised; and that the necessity in the public interest for the provisions herein enacted is hereby declared as a matter of legislative determination.

(Laws of Fla. Ch. 61-2165, § 2)

Sec. 203. Encouragement of private enterprise.

The City of Fort Lauderdale, to the greatest extent it determines to be feasible in carrying out the provisions of this act [division], shall afford maximum opportunity, consistent with the sound needs of said municipality as a whole, to the rehabilitation or redevelopment of the urban renewal area by private enterprise. The city shall give consideration to this objective in exercising its powers under this act [division], including the formulation of a workable program, the approval of urban renewal plans (consistent with the general plan of the municipality), the exercise of its zoning powers, the enforcement of other laws, codes and regulations relating to the use of land and the use and occupancy of buildings and improvements, the disposition of any property acquired, and the provision of necessary public improvements.

(Laws of Fla. Ch. 61-2165, § 3)

Sec. 204. Workable program.

The City of Fort Lauderdale for the purposes of this act [division] may formulate for the municipality a workable program for utilizing appropriate private and public resources to eliminate, and prevent the development or spread of slums and urban blight, to encourage needed urban rehabilitation, to provide for the redevelopment of slum and blighted areas, or to undertake such of the aforesaid activities or other feasible municipal activities as may be suitably employed to achieve the objectives of such workable program. Such workable program may include, without limitation, provision for: the prevention of the spread of blight into areas of the municipality which are free from blight through diligent enforcement of housing, zoning and occupancy controls and standards; the rehabilitation or conservation of slum and blighted areas or portions thereof by replanning, removing congestion, providing parks, playgrounds and other public improvements, by encouraging voluntary rehabilitation and by compelling the repair and rehabilitation of deteriorated or deteriorating structures; and the clearance and redevelopment of slum and blighted areas or portions thereof.

(Laws of Fla. Ch. 61-2165, § 4)

Sec. 205. Finding of necessity by the board of representatives.

The City of Fort Lauderdale shall not exercise the authority hereafter conferred by this act [division] until after the city commission shall have adopted a resolution finding that:

- (1) One (1) or more slum or blighted areas exist in such municipality; and
- (2) The rehabilitation, conservation, redevelopment, or a combination thereof, of such area or areas is necessary in the interest of the public health, safety, morals or welfare of the residents of such municipality.

(Laws of Fla. Ch. 61-2165, § 5)

Sec. 206. Preparation and approval of urban renewal projects and urban renewal plans.

(a) The City of Fort Lauderdale shall not approve an urban renewal project for an urban renewal area unless the city commission has, by resolution, determined such area to be a slum area or a blighted area or a combination thereof and designated such area as appropriate for an urban renewal project. Said commission shall not approve an urban renewal plan until a general plan for the municipality has been prepared. For this purpose and other municipal purposes, authority is hereby vested in said municipality to prepare, to adopt and to revise from time to time, a general plan for the physical development of the municipality as a whole (giving due regard to the environs and metropolitan surroundings), to establish and maintain a planning commission for such purpose and related municipal planning activities, and to make available and to appropriate necessary funds therefor. Said municipality shall not acquire real property for an urban renewal project unless the city commission has approved the urban renewal project in accordance with subsection (d) hereof.

(b) The municipality may itself prepare or cause to be prepared an urban renewal plan, or any person or agency, public or private, may submit such a plan to said municipality. Prior to its approval of an urban renewal project, the city commission shall submit such plan to the planning commission of the municipality, if any, for review and recommendations as to its conformity with the general plan for the development of the municipality as a whole. The planning commission shall submit its written recommendations with respect to the proposed urban renewal plan to said commission within thirty (30) days after receipt of the plan for review. Upon receipt of the recommendations of the planning commission, or, if no recommendations are received within said thirty (30) days, then without such recommendations, said commission may proceed with the hearing on the proposed urban renewal project prescribed by subsection (c) hereof.

(c) The city commission shall hold a public hearing on an urban renewal project, after public notice thereof by publication in a newspaper having a general circulation in the area of operation of the municipality. The notice shall describe the time, date, place and purpose of the hearing, shall generally identify the urban renewal area covered by the plan, and shall outline the general scope of the urban renewal project under consideration.

(d) Following such hearing, the city commission may approve an urban renewal project if it finds that (1) a feasible method exists for the location of families who will be

displaced from the urban renewal area in decent, safe and sanitary dwelling accommodations within their means and without undue hardship to such families; (2) the urban renewal plan conforms to the general plan of the municipality as a whole; and (3) the urban renewal plan will afford maximum opportunity, consistent with the sound needs of the municipality as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterprise: Provided, that if the urban renewal area consists of an area of open land to be acquired by the municipality, such area shall not be so acquired unless (1) if it is to be developed for residential uses, said commission shall determine that a shortage of housing of sound standards and design which is decent, safe and sanitary exists in the municipality; that the need for housing accommodations has been or will be increased as a result of the clearance of slums in other areas (including other portions of the urban renewal area); that the conditions of blight in the area and the shortage of decent, safe and sanitary housing cause or contribute to an increase in and spread of disease and crime and constitute a menace to the public health, safety, morals, or welfare; and that the acquisition of the area for residential uses is an integral part of and essential to the program of the municipality, or (2) if it is to be developed for nonresidential uses, the local governing body shall determine that such nonresidential uses are necessary and appropriate to facilitate the proper growth and development of the community in accordance with sound planning standards and local community objectives, which acquisition may require the exercise of governmental action, as provided in this act [division], because of defective or unusual conditions of title, diversity of ownership, tax delinquency, improper subdivisions, outmoded street patterns, deterioration of site, economic disuse, unsuitable topography or faulty lot layouts, the need for the correlation of the area with other areas of the municipality by streets and modern traffic requirements, or any combination of such factors or other conditions which retard development of the area.

(e) An urban renewal plan may be modified at any time: Provided that if modified after the lease or sale by the municipality of real property in the urban renewal project area, such modification may be conditioned upon such approval of the owner, lessee or successor in interest as the municipality may deem advisable and in any event shall be subject to such rights at law or in equity as a lessee or purchaser, or his successor or successors in interest, may be entitled to assert.

(f) Upon the approval by the municipality of an urban renewal plan or of any modification thereof, such plan or modification shall be deemed to be in full force and effect for the respective urban renewal area and the municipality may then cause such plan or modification to be carried out in accordance with its terms.

(g) Notwithstanding any other provisions of this act [division], where the city commission certifies that an area is in need of redevelopment or rehabilitation as a result of a flood, fire, hurricane, earthquake, storm, or other catastrophe respecting which the governor of the state has certified the need for disaster assistance under Public Law 875, Eighty-first Congress, or other federal law, the city commission may approve an urban renewal plan and an urban renewal project with respect to such area without regard to the

provisions of subsection (d) of this section and the provisions of this section requiring a general plan for the municipality and a public hearing on the urban renewal project.

(Laws of Fla. Ch. 61-2165, § 6)

Sec. 207. Powers.

The City of Fort Lauderdale shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this act [division], including the following powers in addition to others herein granted:

(a) To undertake and carry out urban renewal projects within its area of operation; and to make and execute contracts and other instruments necessary or convenient to the exercise of its powers under this act [division]; and to disseminate slum clearance and urban renewal information;

(b) To provide or to arrange or contract for the furnishing or repair by any person or agency, public or private, of services, privileges, works, streets, roads, public utilities or other facilities for or in connection with an urban renewal project; to install, construct, and reconstruct streets, utilities, parks, playgrounds, and other public improvements; and to agree to any conditions that it may deem reasonable and appropriate attached to federal financial assistance and imposed pursuant to federal law relating to the determination of prevailing salaries or wages or compliance with labor standards, in the undertaking or carrying out of an urban renewal project, and to include in any contract let in connection with such a project, provisions to fulfill such of said conditions as it may deem reasonable and appropriate;

(c) Within its area of operation, to enter into any building or property in any urban renewal area in order to make inspections, surveys, appraisals, soundings or test borings, and to obtain an order for this purpose from a court of competent jurisdiction in the event entry is denied or resisted; to acquire by purchase, lease, option, gift, grant, bequest, devise, eminent domain or otherwise, any real property (or personal property for its administrative purposes) together with any improvements thereon; to hold, improve, clear or prepare for redevelopment any such property; to dispose of any real property; to insure or provide for the insurance of any real or personal property or operations of the municipality against any risks or hazards, including the power to pay premiums on any such insurance; and to enter into any contracts necessary to effectuate the purposes of this act [division]: Provided, however, that no statutory provision with respect to the acquisition, clearance or disposition of property by public bodies shall restrict the municipality in the exercise of such functions with respect to an urban renewal project, unless the legislature shall specifically so state;

(d) To invest any urban renewal project funds held in reserves or sinking funds or any such funds not required for immediate disbursement, in property or securities in which savings banks may legally invest funds subject to their control; to redeem such bonds as have been issued pursuant to section 10 of this act [§ 210 hereof] at the redemption price

established therein or to purchase such bonds at less than redemption price, all such bonds so redeemed or purchased to be cancelled;

(e) To borrow money and to apply for and accept advances, loans, grants, contributions and any other form of financial assistance from the federal government, the state, county, or other public body, or from any sources, public or private, for the purposes of this act [division], and to give such security as may lawfully be required and to enter into and carry out contracts in connection therewith. The municipality may include in any contract for financial assistance with the federal government for an urban renewal project such conditions imposed pursuant to federal laws as the municipality may deem reasonable and appropriate and which are not inconsistent with the purposes of this act [division];

(f) Within its area of operation, to make or have made all surveys and plans necessary to the carrying out of the purposes of this act [division] and to contract with any person, public or private, in making and carrying out such plans and to adopt or approve, modify and amend such plans. Such plans may include, without limitation: (1) a general plan for the locality as a whole, (2) urban renewal plans, (3) preliminary plans outlining urban renewal activities for neighborhoods to embrace two (2) or more urban renewal areas, (4) plans for carrying out a program of voluntary or compulsory repair and rehabilitation of buildings and improvements, (5) plans for the enforcement of state and local laws, codes and regulations relating to the use of land and the use and occupancy of buildings and improvements and to the compulsory repair, rehabilitation, demolition, or removal of buildings and improvements, and (6) appraisals, title searches, surveys, studies, and other plans and work necessary to prepare for the undertaking of urban renewal projects. The municipality is authorized to develop, test, and report methods and techniques, and carry out demonstrations and other activities, for the prevention and the elimination of slums and urban blight and to apply for, accept and utilize grants of funds from the federal government for such purposes;

(g) To prepare plans for the relocation of persons (including families, business concerns and others) displaced by an urban renewal project, and to make relocation payments to or with respect to such persons for moving expenses and losses of property for which reimbursement or compensation is not otherwise made, including the making of such payments financed by the federal government;

(h) To appropriate such funds and make such expenditures as may be necessary to carry out the purposes of this act [division], and to levy taxes and assessments for such purposes; to zone or rezone any part of the municipality or make exceptions from building regulations; and to enter into agreements with an urban renewal agency vested with urban renewal project powers under section 15 of this act [section 215 hereof] (which agreements may extend over any period, notwithstanding any provision or rule of law to the contrary), respecting action to be taken by such municipality pursuant to any of the powers granted by this act [division];

(i) To close, vacate, plan or replan streets, roads, sidewalks, ways or other places; and to plan or replan any part of the municipality;

(j) Within its area of operation, to organize, coordinate and direct the administration of the provisions of this act [division] as they apply to such municipality in order that the objective of remedying slum and blighted areas and preventing the causes thereof within such municipality may be most effectively promoted and achieved, and to establish such new office or offices of the municipality or to recognize existing offices in order to carry out such purpose most effectively; and

(k) To exercise all or any part or combination of powers herein granted.

(Laws of Fla. Ch. 61-2165, § 7)

Sec. 208. Eminent domain.

(a) The City of Fort Lauderdale shall have the right to acquire by condemnation any interest in real property, including a fee simple title thereto, which it may deem necessary for or in connection with an urban renewal project under this act [division]. Said municipality may exercise the power of eminent domain in the manner provided in chapters 73 and 74, Florida Statutes, and acts amendatory thereof or supplementary thereto, or it may exercise the power of eminent domain in the manner now or which may be hereafter provided by any other statutory provisions for the exercise of the power of eminent domain. Property already devoted to a public use may be acquired in like manner: Provided, that no real property belonging to the state, or any political subdivision thereof, may be acquired without its consent.

(Laws of Fla. Ch. 61-2165, § 8)

Sec. 209. Disposal of property in urban renewal area.

(a) The City of Fort Lauderdale may sell, lease or otherwise transfer real property or any interest therein acquired by it, and may enter into contracts with respect thereto, in an urban renewal area for residential, recreational, commercial, industrial or other uses or for public use, or may retain such property or interest for public use, in accordance with the urban renewal plan, subject to such covenants, conditions and restrictions, including covenants running with the land, as may deem to be necessary or desirable to assist in preventing the development or spread of future slums or blighted areas or to otherwise carry out the purposes of this act [division]: Provided, that such sale, lease, other transfer, or retention, and any agreement relating thereto, may be made only after the approval of the urban renewal plan by the city commission. The purchasers or lessees and their successors and assigns shall be obligated to devote such real property only to the uses specified in the urban renewal plan, and may be obligated to comply with such other requirements as the municipality may determine to be in the public interest, including the obligation to begin within a reasonable time any improvements on such real property required by the urban renewal plan. Such real property or interest shall be sold, leased, otherwise transferred, or retained at not less than its fair value for uses in accordance with the urban renewal plan. In determining the fair value of real property for uses in

accordance with the urban renewal plan, the municipality shall take into account and give consideration to the uses provided in such plan; the restrictions upon, and the covenants, conditions and obligations assumed by the purchaser or lessee or by the municipality retaining the property; and the objectives of such plan for the prevention of the recurrence of a slum or blighted areas. The municipality in any instrument of conveyance to a private purchaser or lessee may provide that such purchaser or lessee, shall be without power to sell, lease or otherwise transfer the real property without the prior written consent of the municipality until he has completed the construction of any or all improvements which he has obligated himself to construct thereon. Real property acquired by the municipality which, in accordance with the provisions of the urban renewal plan, is to be transferred, shall be transferred as rapidly as feasible in the public interest consistent with the carrying out of the provisions of the urban renewal plan. Any contract for such transfer and the urban renewal plan (or such part or parts of such contract or plan as the municipality may determine) may be recorded in the office of the Clerk of the Circuit Court of Broward County, Florida.

(b) The municipality may dispose of real property in an urban renewal area to private persons only under such reasonable competitive bidding procedures as it shall prescribe or as hereinafter provided in this subsection. The municipality may, by public notice by publication in a newspaper having a general circulation in the community (thirty (30) days prior to the execution of any contract to sell, lease or otherwise transfer real property and prior to the delivery of any instrument of conveyance with respect thereto under the provisions of this section) invite proposals from and make available all pertinent information to private redevelopers or any persons interested in undertaking to redevelop or rehabilitate an urban renewal area, or any part thereof. Such notice shall identify the area, or portion thereof, and shall state that proposals shall be made by those interested within thirty (30) days after the date of publication of said notice, and that such further information as is available may be obtained at such office as shall be designated in said notice. The municipality shall consider all such redevelopment or rehabilitation proposals and the financial and legal ability of the persons making such proposals to carry them out, and may negotiate with any persons for proposals for the purchase, lease or other transfer of any real property acquired by the municipality in the urban renewal area. The municipality may accept such proposal as it deems to be in the public interest and in furtherance of the purposes of this act [division]: Provided, that a notification of intention to accept such proposal shall be filed with the city commission not less than thirty (30) days prior to any such acceptance. Thereafter, the municipality may execute such contract in accordance with the provisions of subsection (a) and deliver deeds, leases and other instruments and take all steps necessary to effectuate such contract.

(c) The municipality may temporarily operate and maintain real property acquired in an urban renewal area pending the disposition of the property as authorized in this act [division], without regard to the provisions of subsection (a) above, for such uses and purposes as may be deemed desirable even though not in conformity with the urban renewal plan.

(Laws of Fla. Ch. 61-2165, § 9)

Sec. 210. Issuance of bonds.

(a) The City of Fort Lauderdale shall have power to issue bonds from time to time in its discretion to finance the undertaking of any urban renewal project under this act [division], including, without limiting the generality thereof, the payment of principal and interest upon any advances for surveys and plans, and shall also have power to issue refunding bonds for the payment or retirement of such bonds previously issued by it. Such bonds shall be made payable, as to both principal and interest, solely from the income, proceeds, revenues, and funds of the municipality derived from or held in connection with its undertaking and carrying out of urban renewal projects under this act [division]: Provided, however, that payment of such bonds, both as to principal and interest, may be further secured by a pledge of any loan, grant or contribution from the federal government or other source, in aid of any urban renewal projects of the municipality under this act [division].

(b) Bonds issued under this section shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restrictions, and shall not be subject to the provisions of any other law or charter relating to the authorization, issuance or sale of bonds. Bonds issued under the provisions of this act [division] are declared to be issued for an essential public and governmental purpose and, together with interest thereon and income therefrom, shall be exempted from all taxes.

(c) Bonds issued under this section shall be authorized by resolution or ordinance of the local governing body and may be issued in one (1) or more series and shall bear such date or dates, be payable upon demand or mature at such time or times, bear interest at such rate or rates, not exceeding six (6) per centum per annum, be in such denomination or denominations, be in such form either coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment, at such place or places, and be subject to such terms of redemption (with or without premium), be secured in such manner, and have such other characteristics, as may be provided by such resolution or trust indenture or mortgage issued pursuant thereto.

(d) Such bonds may be sold at not less than par at public sales held after notice published prior to such sale in a newspaper having a general circulation in the area of operation and in such other medium of publications as the municipality may determine or may be exchanged for other bonds on the basis of par: Provided, that such bonds may be sold to the federal government at private sale at not less than par, and, in the event less than all of the authorized principal amount of such bonds is sold to the federal government, the balance may be sold at private sale at not less than par at an interest cost to the municipality of not to exceed the interest cost to the municipality of the portion of the bonds sold to the federal government.

(e) In case any of the public officials of the municipality whose signatures appear on any bonds or coupons issued under this act [division] shall cease to be such officials before the delivery of such bonds, such signatures shall, nevertheless, be valid and

sufficient for all purposes, the same as if such officials had remained in office until such delivery. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to this act [division] shall be fully negotiable.

(f) In any suit, action or proceeding involving the validity or enforceability of any bond issued under this act [division] or the security therefor, any such bond reciting in substance that it has been issued by the municipality in connection with an urban renewal project, as herein defined, shall be conclusively deemed to have been issued for such purpose and such project shall be conclusively deemed to have been planned, located and carried out in accordance with the provisions of this act [division].

(Laws of Fla. Ch. 61-2165, § 10)

Editor's note: The interest rate limitation in subsection (c) is probably invalid in light of F.S. §§ 215.84, 215.845.

Sec. 211. Bonds as legal investments.

All banks, trust companies, bankers, savings banks and institutions, building and loan associations, savings and loan associations, investment companies and other persons carrying on a banking or investment business; all insurance companies, insurance associations, and other persons carrying on an insurance business; and all executors, administrators, curators, trustees, and other fiduciaries, may legally invest any sinking funds, moneys, or other funds belonging to them or within their control in any bonds or other obligations issued by the City of Fort Lauderdale pursuant to this act [division] or by any urban renewal agency vested with urban renewal project powers under section 15 of this act [section 215 hereof]: Provided that such bonds and other obligations shall be secured by an agreement between the issuer and the federal government in which the issuer agrees to borrow from the federal government and the federal government agrees to lend to the issuer, prior to the maturity of such bonds or other obligations, moneys in an amount which (together with any other moneys irrevocably committed to the payment of interest on such bonds or other obligations) will suffice to pay the principal of such bonds or other obligations with interest to maturity thereon, which moneys under the terms of said agreement are required to be used for the purpose of paying the principal of and the interest on such bonds or other obligations at their maturity. Such bonds and other obligations shall be authorized security for all public deposits. It is the purpose of this section to authorize any persons, political subdivisions and officers, public or private, to use any funds owned or controlled by them for the purchase of any such bonds or other obligations. Nothing contained in this section with regard to legal investments shall be construed as relieving any person of any duty of exercising reasonable care in selecting securities.

(Laws of Fla. Ch. 61-2165, § 11)

Sec. 212. Property exempt from taxes and from levy and sale by virtue of an execution.

(a) All property of the City of Fort Lauderdale including funds, owned or held by it for the purposes of this act [division] shall be exempt from levy and sale by virtue of an execution, and no execution or other judicial process shall issue against the same nor shall judgment against the municipality be a charge or lien upon such property: Provided, however, that the provisions of this section shall not apply to or limit the right of obligees to pursue any remedies for the enforcement of any pledge or lien given pursuant to this act [division] by the municipality on its rents, fees, grants or revenues from urban renewal projects.

(b) The property of the municipality, acquired or held for the purposes of this act [division], is declared to be public property used for essential public and governmental purposes and such property shall be exempt from all taxes of the municipality, the county, the state or any political subdivision thereof: Provided, that such tax exemption shall terminate when the municipality sells, leases or otherwise disposes of such property in an urban renewal area to a purchaser or lessee which is not a public body entitled to tax exemption with respect to such property.

(Laws of Fla. Ch. 61-2165, § 12)

Sec. 213. Cooperation by public bodies.

(a) For the purpose of aiding in the planning, undertaking or carrying out of an urban renewal project located within the area in which it is authorized to act, any public body may, upon such terms, with or without consideration, as it may determine: (1) dedicate, sell, convey or lease any of its interest in any property or grant easements, licenses or other rights or privileges therein to the City of Fort Lauderdale; (2) incur the entire expense of any public improvements made by such public body in exercising the powers granted in this section; (3) do any and all things necessary to aid or cooperate in the planning or carrying out of an urban renewal plan; (4) lend, grant or contribute funds to said municipality; (5) enter into agreements (which may extend over any period, notwithstanding any provision or rule of law to the contrary) with said municipality or other public body respecting action to be taken pursuant to any of the powers granted by this act [division], including the furnishing of funds or other assistance in connection with an urban renewal project; and (6) cause public buildings and public facilities, including parks, playgrounds, recreational, community, educational, water, sewer or drainage facilities, or any other works in which it is otherwise empowered to undertake or to be furnished; furnish, dedicate, close, vacate, pave, install, grade, regrade, plan or replan streets, roads, sidewalks, ways or other places; plan or replan; zone or rezone any part of the public body or make exceptions from building regulations; and cause administrative and other services to be furnished to the municipality. If at any time title to or possession of any urban renewal project is held by any public body or governmental agency, other than the municipality, which is authorized by law to engage in the undertaking, carrying out, or administration of urban renewal projects (including any agency or instrumentality of the United States of America), the provisions of the agreements referred to in this section shall inure to the benefit of any may be enforced by such public body or governmental agency. As used in this subsection, the term "municipality" shall also

include an urban renewal agency vested with all of the urban renewal project powers pursuant to the provisions of section 15 [section 215 hereof].

(b) Any sale, conveyance, lease or agreement provided for in this section may be made by a public body without appraisal, public notice, advertisement or public bidding.

(c) For the purpose of aiding in the planning, undertaking or carrying out of an urban renewal project of an urban renewal agency hereunder, the municipality may (in addition to its other powers and upon such terms, with or without consideration, as it may determine) do and perform any or all of the actions or things which, by the provisions of subsection (a) of this section, a public body is authorized to do or perform, including the furnishing of financial and other assistance.

(d) For the purposes of this section, or for the purpose of aiding in the planning, undertaking or carrying out of an urban renewal project of the municipality, said municipality may in addition to any authority to issue bonds pursuant to section 10 [section 210 hereof] issue and sell its general obligation bonds. Any bonds issued by the municipality pursuant to this section shall be issued in the manner and within the limitations prescribed by the laws of this state for the issuance and authorization of bonds by such municipality for public purposes generally except as to constitutional requirements.

(Laws of Fla. Ch. 61-2165, § 13)

Sec. 214. Title of purchaser.

Any instrument executed by the City of Fort Lauderdale and purporting to convey any right, title or interest in any property under this act [division] shall be conclusively presumed to have been executed in compliance with the provisions of this act [division] insofar as title or other interest of any bona fide purchasers, lessees or transferees of such property is concerned.

(Laws of Fla. Ch. 61-2165, § 14)

Sec. 215. Exercise of powers in carrying out urban renewal project.

(a) The City of Fort Lauderdale may itself exercise its urban renewal project powers (as herein defined) or may, if the city commission by resolution determines such action to be in the public interest, elect to have such powers exercised by the urban renewal agency (created by section 16 [section 216 hereof]), if one exists or is subsequently established in the community. In the event the local government body makes such determination, the urban renewal agency shall be vested with all of the urban renewal project powers in the same manner as though all such powers were conferred on such agency instead of the municipality. If the city commission does not elect to make such determination, the municipality in its discretion may exercise its urban renewal project powers through a board or commissioner or through such officers of the municipality as the city commission may by resolution determine.

(b) As used in this section, the term "urban renewal project powers" shall include the rights, powers, functions and duties of the municipality under this act [division], except the following: the power to determine an area to be a slum or blighted area or combination thereof and to designate such area as appropriate for an urban renewal project and to hold any public hearings required with respect thereto; the power to approve urban renewal plans and modifications thereof; the power to establish a general plan for the locality as a whole; the power to formulate a workable program under section 4 [section 204 hereof]; the power to make the determinations and findings provided for in section 3 [section 203 hereof], section 5 [section 205 hereof] and section 6(d) [section 206(d) hereof]; the power to issue general obligation bonds; and the power to appropriate funds, to levy taxes and assessments, and to exercise other powers provided for in section 7(h) [section 207(h) hereof].

(Laws of Fla. Ch. 61-2165, § 15)

Sec. 216. Urban renewal agency.

(a) There is hereby created in the City of Fort Lauderdale a public body corporate and politic to be known as the "urban renewal agency" of the City of Fort Lauderdale; provided that such agency shall not transact any business or exercise its powers hereunder until or unless the local governing body has made the finding prescribed in section 5 [section 205 hereof] and has elected to have the urban renewal project powers exercised by an urban renewal agency as provided in section 15 [section 215 hereof].

(b) If the urban renewal agency is authorized to transact business and exercise powers hereunder, the city commission shall appoint a board of commissioners of the urban renewal agency which shall consist of seven (7) commissioners. The term of office of each such commissioner shall be one (1) year.

(c) A commissioner shall receive no compensation for his services but shall be entitled to the necessary expenses, including traveling expenses, incurred in the discharge of his duties. Each commissioner shall hold office until his successor has been appointed and has qualified. A certificate of the appointment or reappointment of any commissioner shall be filed with the clerk of the City of Fort Lauderdale and such certificate shall be conclusive evidence of the due and proper appointment of such commissioner.

The powers of the urban renewal agency shall be exercised by the commissioners thereof. A majority of the commissioners shall constitute a quorum for the purpose of conducting business and exercising powers of the agency and for all other purposes. Action may be taken by the agency upon a vote of a majority of the commissioners present, unless in any case the by-laws shall require a larger number. Any persons may be appointed as commissioners if they reside within the area of operation of the agency (which shall be coterminous with the area of operation of the municipality) and are otherwise eligible for such appointments under this act [division].

The city commission shall designate a chairman and vice-chairman from among the commissioners. The agency may employ an executive director, technical experts and

other such agents and employees, permanent and temporary, as it may require, and determine their qualifications, duties and compensation. For such legal service as it may require, an agency may employ or retain its own counsel and legal staff. The agency authorized to transact business and exercise powers under this act [division] shall file, with the city commission, on or before March 31, of each year a report of its activities for the preceding calendar year, which report shall include a complete financial statement setting forth its assets, liabilities, income and operating expense as of the end of such calendar year. At the time of filing the report, the agency shall publish in a newspaper of general circulation in the municipality a notice to the effect that such report has been filed with the municipality and that the report is available for inspection during business hours in the office of the city clerk and in the office of the agency.

(d) For inefficiency or neglect of duty or misconduct in office, a commissioner may be removed only after a hearing and after he shall have been given a copy of the charges at least ten (10) days prior to such hearing and have had an opportunity to be heard in person or by counsel.

(Laws of Fla. Ch. 61-2165, § 16)

Sec. 217. Interested public officials, commissioners or employees.

No public official or employee of the City of Fort Lauderdale (or board or commission thereof), and no commissioner or employee of the urban renewal agency which has been vested by a municipality with urban renewal project powers under section 15 [section 215 hereof] shall voluntarily acquire any personal interest, direct or indirect, in any urban renewal project, or in any property included or planned to be included in any urban renewal project of such municipality or in any contract or proposed contract in connection with such urban renewal project. Where such acquisition is not voluntary, the interest acquired shall be immediately disclosed in writing to the local governing body and such disclosure shall be entered upon the minutes of the governing body. If any such official, commissioner or employee presently owns or controls, or owned or controlled within the preceding two (2) years, any interest, direct or indirect, in any property which he knows is included or planned to be included in an urban renewal project, he shall immediately disclose this act in writing to the city commission, and such disclosure shall be entered upon the minutes of said commission and any such official, commissioner or employee shall not participate in any action by the municipality (or board or commission thereof), or urban renewal agency affecting such property. Any disclosure required to be made by this section to the city commission shall concurrently be made to the urban renewal agency which has been vested with urban renewal project powers by the municipality pursuant to the provisions of section 15 [section 215 hereof]. No commissioner or other officer of the urban renewal agency, board or commission exercising powers pursuant to this act [division] shall hold any public office under the City of Fort Lauderdale other than his commissionship or office with respect to such urban renewal agency, board or commission. Any violation of the provisions of this section shall constitute misconduct in office.

(Laws of Fla. Ch. 61-2165, § 17)

Sec. 218. Definitions.

The following terms whenever used or referred to in this act [division], shall have the following meanings, unless a different meaning is clearly indicated by the context:

(a) Agency or urban renewal agency shall mean a public agency created by section 16 of this act [section 216 hereof].

(b) Municipality shall mean the City of Fort Lauderdale.

(c) Public body shall mean the state or any municipality, township, village, board, commission, authority, district, or any other subdivision or public body of the state.

(d) City commission shall mean the city commission of the City of Fort Lauderdale.

(e) Federal government shall include the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.

(f) Slum area shall mean an area in which there is a predominance of buildings or improvements, whether residential or nonresidential, which by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, or crime, and is detrimental to the public health, safety, morals or welfare.

(g) Blighted area shall mean an area which by reason of the presence of a substantial number of slum, deteriorated or deteriorating structures, predominance of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility or usefulness, unsanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land defective or unusual conditions of title, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, substantially impairs or arrests the sound growth of a municipality, retards the provision of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety, morals, or welfare in its present condition and use: Provided, that if such blighted area consists of open land the conditions contained in the proviso in section 6(d) [section 206(d) hereof] shall apply: And provided further, that any disaster area referred to in subsection (g) of section 6 [section 206 hereof] shall constitute a "blighted area."

(h) Urban renewal project may include undertakings and activities of the municipality in an urban renewal area for the elimination and for the prevention of the development or spread of slums and blight, and may involve slum clearance and redevelopment in an urban renewal area, or rehabilitation or conservation in an urban renewal area, or any

combination or part thereof in accordance with an urban renewal plan. Such undertakings and activities may include (1) acquisition of a slum area or a blighted area or portion thereof; (2) demolition and removal of buildings and improvements; (3) installation, construction, or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the urban renewal area the urban renewal objectives of this act [division] in accordance with the urban renewal plan; (4) disposition of any property acquired in the urban renewal area (including sale, initial leasing or retention by the municipality itself) at its fair value for uses in accordance with the urban renewal plan; (5) carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements in accordance with the urban renewal plan; and (6) acquisition of any other real property in the urban renewal area where necessary to eliminate unhealthful, unsanitary or unsafe conditions, lessen density, eliminate obsolete or other uses detrimental to the public welfare, or otherwise to remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities.

(i) Urban renewal area means a slum area or a blighted area or a combination thereof which the city commission designates as appropriate for an urban renewal project.

(j) Urban renewal plan means a plan, as it exists from time to time, for an urban renewal project, which plan (1) shall conform to the general plan for the municipality as a whole except as provided in subsection 6(g) [section 206(g) hereof]; and (2) shall be sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban renewal area, zoning and planning changes, if any, land uses, maximum densities, building requirements, and the plan's relationship to definite local objectives respecting appropriate land uses, improved traffic, public transportation, public utilities, recreational and community facilities, and other public improvements.

(k) Real property shall include lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto, or used in connection therewith, and every estate, interest, right and use, legal or equitable, therein including terms for years and liens by way of judgment, mortgage or otherwise.

(l) Bonds shall mean any bonds (including refunding bonds), notes, interim certificates, certificates of indebtedness, debentures or other obligations.

(m) Obligees shall include any bondholder, agents, or trustees for any holders, or lessor demising to the municipality property used in connection with an urban renewal project, or any assignee or assignees of such lessor's interest or any part thereof, and the federal government when it is a party to any contract with the municipality.

(n) Person shall mean any individual, firm, partnership, corporation, company, association, joint stock association or body politic; and shall include any trustee, receiver, assignee, or other person acting in a similar representative capacity.

(o) Area of operation shall mean the area within the corporate limits of the municipality.

(p) Board or commission shall mean a board, commission, department, division, office, body or other unit of the City of Fort Lauderdale.

(q) Public officer shall mean any officer who is in charge of any department or branch of the government of the City of Fort Lauderdale relating to health, fire, building regulations, or to other activities concerning dwellings in the municipality.

(Laws of Fla. Ch. 61-2165, § 18)

Sec. 219. Separability; act controlling.

Notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any provision of this act [division], or the application thereof to any person or circumstances, is held invalid, the remainder of the act [division] and the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

Insofar as the provisions of this act [division] are inconsistent with the provisions of any other law, the provisions of this act [division] shall be controlling. The powers conferred by this act [division] shall be in addition and supplemental to the powers conferred by any other law.

(Laws of Fla. Ch. 61-2165, § 19)